

Budget Debate on Vote 5: Home Affairs

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DA Shadow Minister of Home Affairs

The Home Affairs Department is broken and only a DA government can fix it

House Chairperson,

Minister, your decision to grant the United Arab Emirates President Sheikh Mohamed bin Zayed Nahyan approval to land at Bulembu airport together with his 500 guests was illegal. On the 5th of May 2023, you appeared before the Portfolio Committee and admitted that you did not publish a notice in the Gazette for public comment for a period of 30 days on your decision to designate the airport as an entry point. You justified this unlawful action by claiming that you used your own interpretation of Section 9A of the Immigration Act, read with Section 30 of the Border Management Authority Act and Section 8 of immigration regulations. Your admission that you didn't obtain legal opinion makes your misinterpretation of the law even worse.

Minister, section 30 (3) of the Border Management Authority Act states that ““The Minister MUST prior to an approval in terms of subsection (1) or (2) [of the immigration regulations], publish a notice in the Gazette for public comments for a period not less than 30 days.” This provision of the law is not optional and you clearly failed to comply. What's more, section 8(2) of the immigration regulations state that “A designation of ANY PLACE as a port of entry shall be published in the Gazette.” Minister, the law says ANY PLACE – it doesn't matter whether it's a permanent or temporary point of entry as you claimed.

In trying to justify why a special arrangement was given to a private visit by the UAE royal family, you claimed that they were bringing investment to the Eastern Cape. I wonder which investments you are referring to because the royal family just came to have fun at their private game farm, carrying with them their own food, furniture, cars and gym equipment.

From now on, the DA has put you on notice – any 'special requests' that are made to your office for special access to South Africa, without following the law, we will not hesitate to approach the courts. We simply cannot allow lawlessness to fester because someone has paid the right price. South Africa is a country of laws and it cannot be sold to the highest bidder.

Minister, despite the introduction of smart ID cards in 2013, ten years later South African citizens born outside of South Africa as well as permanent residents cannot apply for the smart ID cards nor access the online services of Home Affairs. For identity documents, this

category of applicants still have to rely on the old green ID book, which still remains difficult to obtain.

We are aware that Home Affairs has modernised most of its offices, but green ID book applicants must still travel 200km's or more to be able to get documentation – itself a gamble because of system downtime that has not been addressed and loadshedding. It is simply cruel and a disdain for Batho Pele principles when we let our own citizens travel 400kms, to and fro, and return home without being assisted by any Home Affairs office. To prove that the system is not working, we are yet to be furnished with names of offices that still supply green ID documents despite submitting the request two months ago.

This Department has forgotten about communities in the rural areas, areas with the highest number of unemployment and where people are expected to travel more than 200km's to access their nearest Home Affairs offices – notwithstanding the system downtime brought about by a struggling online system and loadshedding. While mobile units were trumpeted as the solution to assist far flung communities, repeated calls by members in the committee to increase their footprint across the country have fallen on deaf ears. On three occasions, we requested that mobile units be brought to Gauteng, only for Home Affairs to bring one without a generator backup.

In Mpumalanga, one was brought up with no card payment device. Rural communities who had come for assistance were left stranded and were instructed to visit their nearest Home Affairs office which is about 40kms away. Many couldn't afford to pay for public transport. In the Eastern Cape, members of the Committee were advised that the Department wasn't going to be able to provide a mobile unit. Residents advised us that, on occasions when the Department had brought one, they could not process even one application because their systems were struggling to connect to the network.

On numerous occasions, we have requested to be provided with the schedule on these mobile units but our calls have simply been ignored. Why is the Department failing to provide this schedule if the mobile units are in good working order?

We have also highlighted the need to assist fathers who are indigents to be provided with funds to pay for their DNA tests as this is a requirement to prove paternity when applying for their kids. To date, we have not received any response. The department is denying indigent fathers a right to obtain documentation for their children.

Not only this, there still remains massive backlogs of permanent residence applications despite the assurance we were given in early March 2023 that more officials have been appointed to help with adjudicating outstanding applications. Yet, here we are in May 2023 and we are yet to get any response to queries that we submitted in 2022. This is a clear

demonstration from the Department that they have no intention of finalising these applications or address the backlog, which they always blame on Covid-19. This is despite the fact that, according to reports, there are outstanding applications that date as far back as 2016 when Covid-19 was not even on the radar.

While we welcomed the appointment booking system introduced by the Department, it has proven to be a dismal failure because in most offices, applicants are expected to wait the queue with everyone else with no appointments. The failure to address this appointment system, is a failure to address long queues in most Home Affairs offices across the country.

The Democratic Alliance will ensure that:

- Every person entering our Country enters through the correctly designated ports of entry and where a special arrangement is required, we will fully comply with the section 30 of Immigration Act.
- Ensure that smart ID cards applications are open to South African citizens born outside South Africa as well as Permanent residents.
- Mobile units are properly equipped, and a schedule is made available to enable Members of Parliament to conduct an oversight,
- Indigent fathers who provide sufficient evidence of their status are assisted to pay for DNA tests,
- Allow officials to work overtime i.e., Saturdays to address the backlog on permanent resident's application,
- Ensure appointment booking system is implemented appropriately to allow applicants with appointment to receive service at their allocated time and curb the long queues.